



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

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शिमला, 4 मई, 1962/ 14 वैशाख, 1884

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### HIMACHAL PRADESH ADMINISTRATION

#### APPOINTMENT DEPARTMENT

#### NOTIFICATION

*Simla-4, the 10th April, 1962*

**No. Apptt. 88-1/51.**—In exercise of powers delegated to him in this behalf by the President, under the proviso to Article 309 of the Constitution, *vide* Government of India, Ministry of Home Affairs Notification No. F. 27/59-HIM (i) & (ii), dated the 13th July, 1959, read with sub-rule (2) of Rule 18 of the Himachal Pradesh (Courts) Order, 1948, the Lieutenant Governor, Himachal Pradesh, is pleased to make the following Rules regulating the recruitment to and the conditions of service of the posts of Subordinate Judges in Himachal Pradesh.

#### PART—A

#### GENERAL

**1. Short title and commencement.**—These rules will be called the 'Himachal Pradesh Subordinate Judicial Service Rules, 1962'. They shall come into force on publication in the Himachal Pradesh Administration Gazette.

2. *Definitions.*—(a) “Government” means the Central Government.
- (b) “Lieutenant Governor” means the Lieutenant Governor, Himachal Pradesh.
- (c) “Judicial Commissioner” means the Judicial Commissioner, Himachal Pradesh.
- (d) “Judicial Secretary” means the Judicial Secretary, Himachal Pradesh Administration.
- (e) “Service” means the Himachal Pradesh Subordinate Judicial Service.
3. *Constitution of the Service.*—The Himachal Pradesh Subordinate Judicial Service shall consist of (a) officers, already working as Sub-Judges and those have been confirmed as such; and (b) officers to be recruited to the service, in accordance with these Rules.
4. *Strength of Service.*—(a) The present strength of the service consists of seven posts, as detailed in the Schedule to these Rules.
- (b) It would be open to the Government to revise the number of these posts as and when necessary and also make provision for leave reserve.
5. *Appointing Authority.*—Appointments to the service will be made by the Lieutenant Governor in accordance with these Rules.
6. *Classification.*—The service will be Central Services Class II.
7. *Salary and scale.*—The scale of salary, admissible to the members of the service, will be Rs. 250-25-300 (EB)/30-510 (EB)/30-600 (EB)/40-800 (EB)/50-850.
8. *Postings, transfers and grant of leave.*—Postings and transfers of the members of the service will be made by the Judicial Commissioner, who will also grant leave to them.
9. *Discipline and control.*—The members of the service shall, in respect of conditions of service other than probation, confirmation, seniority and promotion be governed by Government of India, Ministry of Home Affairs Notification No. F. 27/59-HIM (II), dated the 13-7-1959.

## PART—B

### MODE OF RECRUITMENT

1. Future recruitment to the service will be (a) by transfer of suitable officers, from the line of E.A.C. (Executive) Himachal Pradesh. (b) by open competitive examination, to be held in accordance with these rules. Provided that if at any time the holding of a competitive examination is not considered by Government to be feasible or practicable a person nominated by the Judicial Commissioner may be appointed to the service by the Lieutenant Governor.
2. Only such officers will be transferred to the service from the line of the E.A.C. (Executive) branch, as are (i) Law Graduates, or have passed an equivalent examination; (ii) have been confirmed as E.A.C. (Executive) and (iii) are considered suitable to work on the Judicial line.
3. *Qualifications for candidates.*—Candidates, desirous of appearing in the competitive examination, for recruitment to the service, must possess the following qualifications: (a) They must be citizens of India, as defined in the Constitution, or in the Citizenship Act, 1955.
- (b) They must not be less than 23 years, nor more than 27 years of age, on the date, the examination is held, provided (i) that the upper age limit would be 31

years in the case of a Barrister, Advocate or Pleader, who has practised, as such for not less than 4 years continuously, in Himachal Pradesh; (ii) the upper age limit would be 35 years in the case of a candidate belonging to the backward classes or a War Service candidate or a candidate belonging to such categories, as may be specified by Government from time to time in this behalf.

(c) They must have obtained the degree of Bachelor of Law of any recognized University established in India (including undivided Punjab, Sind and Dacca Universities) or must be a Barrister of England or Ireland or a member of the Faculty of Advocates of Scotland.

(d) Candidates will be required to adduce satisfactory evidence of good moral character.

(e) Successful candidates will be required to pass a medical test before being appointed to the service.

(f) The examination will be conducted by a Board of Examiners, consisting of the following:—

Judicial Commissioner (President) Judicial Secretary, and District Judge of Mahasu (Members) and Registrar, Judicial Commissioner's Court (Secretary).

4. The examination will consist of a written test in the subjects enumerated below, as well as a *viva voce* test.

5. The written test will consist of papers in the following subjects. Total number of marks are shown against each paper.

|   |        |
|---|--------|
| (a) Substantive Law   | .. 300 |
| (b) Procedural Law (including pleadings and judgements writing) | .. 300 |
| (c) General Knowledge   | .. 100 |
| (d) Hindi   | .. 100 |
| <i>viva voce</i> test will carry                                | .. 200 |

Total .. 1,000 marks.

6. A list of candidates, in order of merit, will be prepared and vacancies will be filled in, by appointing those who have obtained the highest number of marks.

7. In appointing candidates to the service, due regard will be paid to the vacancies reserved for the members of the backward classes.

## PART—C

### PROBATION, TRAINING AND CONFIRMATION

1. Officers appointed to the service will be on probation for two years unless such period is extended by the Lieutenant Governor in his discretion.

2. Officers appointed to the service under rule 1(b) of Part—B of these Rules will receive training for a period of three months and such training will consist of:

- (i) Prescribed course of study;
- (ii) watching of proceedings in Courts of Law;
- (iii) preparation of notes of cases; and
- (iv) trial of selected cases.

3. On the completion of the period of training officers will be subjected to test by the Board of Examiners.

4. The services of an officer who fails to complete his training satisfactorily will be liable to be terminated without notice.

5. Confirmation to the post of a Subordinate Judge will be made by the Lieutenant Governor on the recommendation of the Judicial Commissioner.

### SCHEDULE

#### HIMACHAL PRADESH SUBORDINATE JUDICIAL SERVICE

##### *Permanent Posts*

|                   |                                |   |
|-------------------|--------------------------------|---|
| MAHASU DISTRICT   | 1. Subordinate Judge, Mahasu   | 1 |
|                   | 2. Subordinate Judge, Theog    | 1 |
| SIRMUR DISTRICT   | 1. Subordinate Judge, Sirmur   | 1 |
| MANDI DISTRICT    | 1. Subordinate Judge, Mandi    | 1 |
|                   | 2. Additional Sub-Judge, Mandi | 1 |
| CHAMBA DISTRICT   | Sub-Judge, Chamba              | 1 |
| BILASPUR DISTRICT | Sub-Judge, Bilaspur            | 1 |
| Total             |                                | 7 |

O. N. MISRA,  
Chief Secretary.

### MEDICAL AND PUBLIC HEALTH DEPARTMENT

#### NOTIFICATION

*Simla-4, the 9th April, 1962*

No. M. 19-888/57.—In exercise of the powers vested in him under rule 12 of the Delegation of Financial Powers Rules, 1958 read with rule 206 of the General Financial Rules, Volume I, with the prior approval of the Government of India, Ministry of Health *vide* their letter No. F. 13(III) 29/61-MIII, dated the 25th January, 1962, the Lieutenant Governor, Himachal Pradesh, is pleased to frame the following rules to govern the Grants-in-aid by the Medical and Public Health Department.

#### RULES GOVERNING GRANTS-IN-AIDS BY THE MEDICAL DEPARTMENT, HIMACHAL PRADESH ADMINISTRATION

1. (1) With a view to encouraging local efforts for providing medical relief, grants-in-aid will be given to local bodies, private charitable hospitals and dispensaries and hospitals and dispensaries of charitable and religious societies from Administration funds, subject to budget provision.

2. *Conditions governing grants-in-aid.*—The conditions on which grants-in-aid will be given are:

(1) That the hospital or dispensary is under competent management and administration and that the medical treatment given is efficient and without discrimination of caste, creed or race.

- (2) That the institution is stable in character and will submit audited statements of accounts along with the application.
- (3) That it supplies a distinct want which cannot be sufficiently met by existing hospitals and dispensaries.
- (4) That the hospital or dispensary building is suitable for the purpose.
- (5) That the hospital or dispensary and its records are open at all reasonable times to inspection by the Civil Surgeon, the Director of Health Services, Himachal Pradesh and all visitors of Government hospitals and dispensaries.
- (6) That such information and returns are submitted as the Director of Health Services, Himachal Pradesh may from time to time prescribe, or the Civil Surgeon may require for the purpose of his annual report.
- (7) That the Director of Health Services, Himachal Pradesh, will, when necessary, be the final judge whether these conditions are fulfilled.
- (8) That the sanctioning authority while sanctioning the grant-in-aid will state whether the audited statements of accounts have been received when required or whether the grantee has been exempted from submitting such statements.

3. Grants-in-aid will not exceed 50 per cent and will not ordinarily be less than 25 per cent of the recurring cost of the establishment and contingencies for hospitals and dispensaries.

The amount of grant will be determined in each case with reference to the efficiency of the hospital or dispensary.

4. *Application for grants-in-aid.*—Grants-in-aid when sanctioned will usually take effect from the 1st of April, ensuing. Applications should reach the Deputy Commissioner by the 1st October. Applications received after that date cannot, as a rule, be provided for in the budget of the following year.

5. *Cancelling or reducing of grants-in-aid.*—Subject, when necessary, to the final decision of the Himachal Pradesh Administration grants-in-aid may be reduced or cancelled if the conditions on which they were originally granted are not fulfilled.

6. *Enquiry before grants-in-aid are cancelled or reduced.*—(1) Before a grant-in-aid is reduced for violation of conditions or breach of rules, an enquiry at which the manager of the dispensary, shall be allowed full opportunity of explanation, will be made by the Director of Health Services or his representative, the result of which will be communicated to the manager.

(2) If the defects are capable of immediate or early removal, the managers will on the first occasion of default be allowed a reasonable time, to be fixed by the D.H.S., or his representative to remedy them; and if they are remedied the grant-in-aid will not be reduced or cancelled.

7. *Grants for building purposes.*—Grants-in-aid may be made from Administration's revenues for the buildings of hospitals and dispensaries. The details of such grants will be settled as individual cases arise. Ordinarily the same principle will apply as govern building grants-in-aid to schools.

8. *Annual report on aided dispensaries by Civil Surgeon.*—The Civil Surgeon shall submit annually and by such date as the Director of Health Services, Himachal Pradesh may prescribe through the Deputy Commissioner, a report of the administration of the aided dispensaries or hospitals in his district. He shall also, from time to time submit, either direct or through the Deputy Commissioner, as may be required such other reports, returns and information as the

Director of Health Services, Himachal Pradesh may call for by general or special order.

### GRANTS-IN-AID TO LOCAL BODIES AND CHARITABLE MISSIONS SOCIETIES

#### 9. *Purpose of grants-in-aid to local bodies and charitable mission societies.*—

(1) As it is not possible for local bodies to do as much as is necessary in the way of extending medical relief, the Local Administration may place every year a grant at the disposal of the Director of Health Services, Himachal Pradesh for disbursement among local bodies and charitable mission societies to assist them to open and equip new dispensaries. The amount of this grant will be determined on the basis of demand for the same and also of the availability of funds.

(2) Grants will be only for opening and equipping dispensaries on non-recurring basis and will in no way commit Government to any responsibility for their recurring expenditure.

10. *Procedure in applying for and making grants.*—Local bodies applying for grants should submit their applications to the Director of Health Services, Himachal Pradesh through the Deputy Commissioner of the District and the Director of Health Services, Himachal Pradesh will then make his recommendations to Government. Recommendations will be submitted to the Local Administration on the 1st November, every year.

11. *Local bodies.*—(1) The local body applying for assistance must satisfy the Director of Health Services, Himachal Pradesh that it has:—

- (i) introduced the system of charging fees from the well to do for medicines and consultations or made some arrangements in lieu of it;
- (ii) budgeted for a reasonable share of the initial cost including any private donations, and made due provision for the recurring charges;
- (iii) made adequate provision in their budgets for medical relief;
- (iv) *Charitable and mission societies.*—(a) That the provisions of rules 2 have been satisfied;
- (b) that the society has made provision for half the cost of the scheme;
- (c) that the institution to be opened will not interfere with the working of any local fund, hospital or dispensary in the same place;
- (d) that the building plans have received the previous approval of the Director of Health Services, Himachal Pradesh.

12. *Grants-in-aid for rebuilding, enlarging and improving existing hospitals and dispensaries.*—The local administration may provide funds annually for the purpose of making grants-in-aid to local bodies for rebuilding, enlarging or improving existing hospitals and dispensaries maintained by them. The amount will be determined every year on the basis of demand and availability of funds.

13. *Conditions regulating the distribution of grants-in-aid among local bodies towards rebuilding, enlarging existing hospitals and dispensaries.*—(1) The following conditions regulate the distribution of grants-in-aid among local bodies for rebuilding, enlarging or improving existing hospitals and dispensaries.

- (a) The local body applying for assistance shall satisfy the Administration that it is not possible, due to paucity of funds to maintain its

institution in suitable building and provide adequate equipment without a grant-in-aid from Government.

- (b) The local body has budgeted for a reasonable share of the cost of improvement towards which a contribution made by the Administration and has made due provision for recurring charges, if any, entailed by it.
- (c) Adequate provision has been made in the Budget for medical relief. The term 'improvement' may be construed to include equipment provided that equipment grants are only made occasionally to any given institution.

(2) Institutions belonging to charitable and mission societies will be eligible for such grants on the same conditions.

**14. Disbursement of grants-in-aid to local bodies.**—(1) In order to ensure that the grant-in-aid being utilised for the purpose for which it is sanctioned, the following instructions should be strictly observed:—

- (a) the instructions apply only to non-recurring grants exceeding five thousand rupees in amount;
- (b) they do not apply to grants-in-aid however, large in a amount given for a specific purpose which has been carried out at the time of the grant;
- (c) subject to the provisions of (a) and (b) above they apply to all non-recurring grants in regard to which it is desirable to make payment by instalments in order to secure the execution of the purpose for which they are sanctioned.

(2) Grants-in-aid are sanctioned by the Local Administration. The payment of grants is authorised at the Treasury through the Accountant General. In the distribution of a grant-in-aid covered by these instructions and not relating to a work to be executed through the agency of the Public Works Department, the sanctioning authority will issue the necessary letter of authority to the Accountant General, Punjab for the payment of the amount required for immediate disbursement. The letter of authority will contain instructions directing the A.G. as the case may be, that no drawal shall be allowed except on a regular bill signed by the President or the Chairman of the Local Body concerned and countersigned by a Government Officer named in the letter of authority. The Government Officer so named shall be responsible satisfying himself that the money is not drawn by the local body in advance of requirement. The Government Officer who has to countersign the bill should not countersign it unless it is supported by the actual bills of contractors or suppliers.

**15.** In the case of grants-in-aid to local bodies for works to be executed through the agency of the Public Works Department, the orders sanctioning the grant-in-aid to the local body and requiring the Public Works Department to execute the work on behalf of the local body as a contribution work shall be issued simultaneously and the local body shall be informed accordingly. The sanctioning authority will issue a letter of authority to the Accountant General Punjab, or to the Treasury Officer, as the case may be, for payment of the amount required for immediate disbursement. Such grants-in-aid will not be paid in cash to the local bodies but will be paid to the Public Works Department on presentation of their bill by book transfer.

**16.** Every order sanctioning a grant-in-aid specify clearly the object for which it has been sanctioned, and the time within which the grant-in-aid is to be spent. In cases in which conditions are attached to the utilisation of a grant-in-aid in the



form of specifications of the particular objects of expenditure or the time within which the money is to be spent or otherwise, the Government Officer under whose signature or countersignature the grant-in-aid bill has been drawn would be primarily responsible for certifying to the Accountant General, Punjab, where necessary, the fulfilment of the conditions attached to the grant.

17: While according sanction to grant-in-aid the sanctioning authority should lay down a specific condition that the grant should be utilised during the course of the year and the unspent balance, surrendered at the end of the year. The sanctioning authority must also take into consideration the unspent balance of the grant for the previous year, if the same has not been surrendered.

P. CHANDRA,  
*Secretary.*